

Remarks

In the subject Office Action, claims 1-30 were rejected. In this response, claims 1, 7, 8, 12, 13, 18, 20, 26, 27 and 29 are amended. Claims 1-30 remain pending in the application.

Examiner Interview

The applicants would like to thank Examiner Bonzo for the courtesies extended during the interview on June 16, 2009 (hereinafter "Interview"). In the Interview, possible amendments to overcome the cited references were discussed. No decision on patentability was reached.

§112 First Paragraph Rejection

In the subject Office Action, the Examiner rejected claims 1-30 under 35 USC §112, first paragraph, because of the introduction of the term "physically" into the claims. The claims have been amended such that the current claims do not include the objected term. The objection is now moot.

§103 Rejections

Claims 1-30 were rejected under 35 USC §103(a) as being unpatentable over Westerenin et al. (US Patent No. 2004/0088589), in view of Cooper et al. (US Patent No. 5,838,982).

Claim 1 has been amended to recite in part:

negating the power button event signal if the state signal signals that the apparatus is in the AC failure state, even if the standby power is present and irrespective of a charge level of the standby power;

transitioning from a suspended state to an active state only if the state signal signals that the apparatus is in the AC present state and the power button event signal is received, irrespective of a presence or the charge level of the standby power.

Support for the added features may be found, for example, in Fig. 5 of the specification, which illustrates that the power button event signal is to be considered (i.e., the apparatus is transitioned from the suspended state to the active state) only if (illustrated by the AND operation 502) the AC is present, although the standby power may be present and

charged. The AND operation 502 of Fig. 5 provides adequate support for the *only if* phrase in the claim, as the AND gate signifies that the system may transition from the suspended state to the active state only if both conditions (i.e., AC presence and power button event signal) are met. The *only if* condition is true even if a charged standby power is present, as disclosed throughout the specification (e.g., page 8, lines 5-11; page 11, lines 19-25; and page 13, lines 20-26).

In the Cooper reference, the system powers on if the main power (i.e., AC power) is present or in the presence of a standby power source (Fig. 2, blocks 110, 112 and 114). Thus, Cooper may switch on the system in absence of AC power (e.g., using the standby power), which is contrary to the claimed features. Westerinen also teaches powering on the system using backup or battery power, even if the AC power is absent. Although Westerinen discloses not powering on the system using the battery power in case the AC power is fluctuating or unstable (e.g., going on and off, see paragraphs 30-33), an integral part of Westerinen's teaching is to transition the apparatus from a hibernate state to active state using backup power, while the AC power is absent, which is in contrast to the recited features of claim 1. For at least these reasons, claim 1 is in condition for allowance, along with associated dependent claims 2-7.

Independent claims 8, 13, 20, 26 and 29 have been amended to include features similar to those discussed with respect to claim 1. For at least the reasons claim 1 is allowable, claims 8, 13, 20, 26 and 29 are also allowable, along with associated dependent claims 9-12, 14-19, 21-25, 27-28 and 30.

Conclusion

The applicants respectfully submit that the above claims present patentable subject matter and therefore request early issuance of Notice of Allowance. The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Should there be any lingering questions, the applicants invite the Examiner to call the undersigned at (503) 796 2883 to have the questions resolved to allow the subject application to expeditiously pass to issuance.

Respectfully submitted,
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Dated: June 16, 2009

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